

GORMAN

2 yr

PETERS

10/12

10 yr - Reps - GA

Personnel

Brother-in-law

Kid

CATD

Wanda

⑨ Pros Wanda #5

⑩ Day #5 - Butterham

⑪ Pros #6 - WAIVER

⑫ Day #6 - *1 Gravenham
replaced w Savage

80-81
31-32
1 woman 115 hours
5 men Case - vibrant

2 alternatives
1-percing; long challenge

#25 SALAGE

married - No children

WITNESSED
FOR
CASE

55y. feel good about the system
Still have life

- follow the law
- crime - evidence

Memo dict. every Sunday

#26 Mubersbach

31 UC 78

85

Divorced - No children 16y - R6

- Spiritual being
- Good Education
- Positive role Models
- Reception
- Attention focused

Control - Weekly

Not violent
Can move -
Brother - m - low o. ests

#27 Sadler - early 70s
Married 17
12/13

2005

Difficult

#28 - Ben

Nothing troubles - some death penalty

- ① 2 years
- ② WITNESSED
- ③ Day Statement - try to stand ???
- ④ before proceeding
- ⑤ mitigation - Cooper
Swales / Schuppins

Adm. as interest
self - serving

003042

CROSS of Dan Feldman

Why that day

PM
LK- 6:40 JMH
Sgt E Robert + William
1:48 CIS SF J.W. Moore

11:40 1/20 - Mt Healthy
11:40 1/20 - Mt Healthy
LM
4:45 6:35

Why 1/21/44

Remember Cold. Sun - ground
Remember - when I became involved, that night in
was a big night in Cincinnati MO.
you were not at Mt Healthy
you were at CIS - Criminal Investigation Section,
Broadway - Downtown
Incar. - suspects being brought in to be questioned

Know Office - Williamson - Fairfield
Mike Tierney

They were present at CIS
actually interviewed all 3 JASON HOLMES
LARRY KINLEY

As many
swore that Holmes - & Kinley had been interviewed
previously at Mt H - by officers Robert + William
Tierney

So you had some knowledge of their statements
you interviewed LK 1st - 1:45
JH left at 3:40
scheduled to interview LM also

But he had not been interviewed by Mt Healthy,
No body questioned him in Mt H - I didn't
know what he was going to say - admit or deny
did not have benefit of being to Fairfield office
knew what other said - but not what M.M. would say

40
45
into street
1st to 5
Ground -
behind

003043

Lee Moore
- Placed
- 1st
- 1st
- 1st

Was present when he was brought in

Recall: had coat - No shirt - remember he was in his socks - No shoes - he had to walk through snow & slush in his socks

Do you know he was arrested - p-w - evening 25.11.00 5:30
awoke held at Mt Healthy - Jail - cell brought to 655 - 210.11.00
What time arrived - Do you know he had anything

When placed - Was kept - mitted to phone his family
to know by himself
He remained by himself until 4:45 AM -
That's when you first talked to him

Indistinct

You indicated you made that of the viewing - try to establish some type of rapport - Make person feel at ease - do not want to make them feel uneasy by pulling legal records - in front of - immediately taking
try to discuss importance of letting the truth
Reviewed his rights - you didn't sign - joint w officer
down Mt Healthy -

Shaw &
117

Describe his demeanor - ^{was he} Calm
not restless & nervous - at times he was crying

upset
crying

You initially interviewed at 4:45 - 7:15
Did you make notes - Present in the room

MARK

Developing - they are you - notes

I DIDN'T PLAN TO KILL ANYBODY - is that what you have written he - That is what I wrote we did

was urgent
was to clear a case -

89

But he told you what he had to drink the night

you notes indicated 3-40- Gin, Dime & weed
how much LK

right - he fired - went to car - indicated LK said
Hyman - you shot him - like he shot it

~~San Antonio~~ aware - LK - charged with Agg V
same as LM

also aware TH - charged with Agg M - just like
LM - but ~~the~~ neither will receive death penalty

you testified at Trial of Jason Holmes

remember - you testify & how Fairfield become
involved - you testified LK was up the back to &
LM - decided to go to Fairfield

now here

Now - Taped Statement Lee Moad
told you he had been drinking heavily & smoking
Mandy - consistent w early into view

she indicated in her taped statement that the shooting was
an accident - that he didn't mean it & that it
was his intention to let the money go

she indicated he was trying to go to car - to impress people,
that he wasn't even trying to kill anybody

He never denied his involvement - in these events, viz
the shooting - He told you the truth about taking the
car - told you about involvement of TH & LK
- admitted

Justin Holm
50y. wife

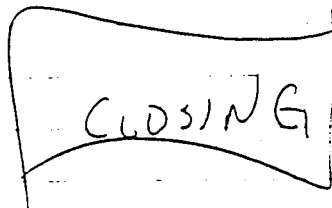
truthfulness
consistent up to point of shooting - RK
Not consistent w what other.

IT not even

LK - find out

15

14
3
17
15
32



- each exhibit what p-w
- print - considered what
chest says
which includes
p-w calculation +
design

all that happened after
p-w calculation + design

Hunt, Stalling - looking for victims

reasonable doubt

Entire - Closing - an opportunity -
choice for me to recall evidence
testimony

① Dead Indictment

Really how important it was to
ask you to keep open mind wait
until you hear all the evidence
then received instructions in this
like to thank you

Spend minute review indictment

54 Indictments Def Charge in 4th M - in 3 counts
4th Ct 2 4th Ct 3 5th Ct 2 Red mapping

One set of
answers
on indictment

Specifically a 4th M + Specificity to 4th M
each 4th M counts as 3 Specificity which if you also
relin verdict 7 years - means we proceed to 2d phase
where you decide punishment

At first glance it seems complicated - except for
one aspect -

PROVE IT

Each Count 4th M requires 4th M - called w purpose
one count includes purpose calculation + design - but all 3
each of 2 4th M requires that you are convinced
beyond reasonable doubt - that it was 600 records
Specific intent to kill Mr. John Dill -

003047

(2) The law requires & has been held by the Supreme Court that before you can find any guilty by M.V. you must find that he specifically intended to cause death. JMO

I ask you to look at the evidence & determine whether or not there was pre-calculatin & design. & whether or not there was premeditation.

In looking at this evidence I ask you to recall opening statement of the prosecutor. He talked about - a hunting trip - where M-More was installing a victim to execute.

But I ask you to look at this evidence & decide if that is what occurred on Jan 14.

When I first spoke to you in my opening at Clark's this case. I indicated - we weren't going to try to pull wool over anyone's eyes. We weren't going to try to hoodwink anyone.

I told you that we would not challenge majority of state's evidence. I said the objective evidence was straight forward & indicated we would not dispute that on Jan 14, 1994, M. Ojeda co- was taken & that ultimately the man was shot & acknowledged that his credit cards were taken & items purchased.

& The majority of the evidence you heard ~~support~~ substantiate the taking of the car, the fact that Mower shot -

You heard from that Ojeda - the victim's father - you heard from his friend at the family home - you heard from P.O. Barrett of Fairfield who was involved in the many prison arrests. The people from the prison stores talked about the purchase the various police officers talked about the items they received. We didn't really challenge the evidence. We don't deny that these events occurred.

But again, how does this evidence prove pre-meditation & design?

003048

Corone - took
at photo's - where was body - How far down
Unit any position - body

36"

(3)

you heard about Officer who knelt on the way
officer knelt talked about how he came into contact w
the way at McDonald's. ~~the~~ guess the man was around, he didn't
run or struggle

All
Corone -
- Sch. and
pulled trigger
quite easily
36" - 40" - 50" - 60" - 70" - 80" - 90" - 100" - 110" - 120" - 130" - 140" - 150" - 160" - 170" - 180" - 190" - 200" - 210" - 220" - 230" - 240" - 250" - 260" - 270" - 280" - 290" - 300" - 310" - 320" - 330" - 340" - 350" - 360" - 370" - 380" - 390" - 400" - 410" - 420" - 430" - 440" - 450" - 460" - 470" - 480" - 490" - 500" - 510" - 520" - 530" - 540" - 550" - 560" - 570" - 580" - 590" - 600" - 610" - 620" - 630" - 640" - 650" - 660" - 670" - 680" - 690" - 700" - 710" - 720" - 730" - 740" - 750" - 760" - 770" - 780" - 790" - 800" - 810" - 820" - 830" - 840" - 850" - 860" - 870" - 880" - 890" - 900" - 910" - 920" - 930" - 940" - 950" - 960" - 970" - 980" - 990" - 1000"

you heard from Puff who knelt down the car - Officer the
found the body - with photos - Officer Mary - talked about
36" - 40" - 50" - 60" - 70" - 80" - 90" - 100" - 110" - 120" - 130" - 140" - 150" - 160" - 170" - 180" - 190" - 200" - 210" - 220" - 230" - 240" - 250" - 260" - 270" - 280" - 290" - 300" - 310" - 320" - 330" - 340" - 350" - 360" - 370" - 380" - 390" - 400" - 410" - 420" - 430" - 440" - 450" - 460" - 470" - 480" - 490" - 500" - 510" - 520" - 530" - 540" - 550" - 560" - 570" - 580" - 590" - 600" - 610" - 620" - 630" - 640" - 650" - 660" - 670" - 680" - 690" - 700" - 710" - 720" - 730" - 740" - 750" - 760" - 770" - 780" - 790" - 800" - 810" - 820" - 830" - 840" - 850" - 860" - 870" - 880" - 890" - 900" - 910" - 920" - 930" - 940" - 950" - 960" - 970" - 980" - 990" - 1000"

But we then get to the evidence that is intended is designed
to address the issue of purpose, specific intent, prior
calculation & design.

Both statements of Officer have told here - & the evidence as to the
statements of LM - Officer told here that you
he interviewed LM twice - 1st time at about 4:45 -
2nd time at about 6:35

Both statements were consistent

Mr. Moore - Never denied his involvement - he never
made up story claiming he was not at the wall or that he
didn't purchase the gun in the credit card

Mr. Moore acknowledged his involvement - you heard his
responses - he indicated he had been drinking -

3rd Day - Gun - Smith May

he talked about how he was trying to get a gun to impress
people - "I wasn't never trying to kill any body."

you heard Lee Moore say how he ~~didn't~~ ^{he accidentally} pulled the trigger - didn't plan to kill
any body. It was an accident, he didn't mean it.
It was my intention to let him go -
But that didn't happen

④

New ladies & gentlemen

we believe Mr. was ally Trumb - & Lewis involved in
shooting - he had gun - but he didn't take that man in
the prison, plot or scheme of shooting him.

The shot was forced but it was an accident. definitely
~~a man to the question~~ an accident

And so now you have evidence which raises a question,
as to the elements of purpose, process, time & design

a. after hearing Mr. Lee Moore's statement you now have to know
if it was the specific intent to cause death of MO - if you
can not specifically find this - the law requires you to find
in most jurisdictions of A.M. - ~~Did you then kill MO from time he kept back +~~
~~did not to find it~~

But that is not all the breeding banks do. The state has
 stood up - rebuilt its claim as a power & the state
 attempts to do this w. Larry Kenney.
 I wish you'd think long & hard about the breeding of UK
 you could observe him - you can decide what interest he
 has in breeding.

You heard him talk about the bus - the fact that he & Chris are
from Cincinnati at 9:45 - when Miss Jane talks about
M. Olson - leaving Fairfield at 9:30.

you heard we talk about shipping school

he told you he knew all of what happened in Fairchild - but
you also know he wasn't there - He acknowledged he
had to be there about when the car came on - genuine
displeased - had about his being with Moore when credi-

ads were used

23X² Although one thing I think LK didn't lie about - & that was that he had no idea LM was going to show them now. I don't think that's accurate because there was word they'd be coming in planned this night even if we didn't they're coming to show PMO -

5

when talking to the police
you know he is pretty much interested in saving his own
skin and - he knows what happened by that day's end - even though he couldn't
become y'dot-inhibited - he knows what was said even though it was better of both sides
nearly, the wording of it is a little more being played
you know he hasn't been sentenced yet - you know he
has something to gain if he co-operates with the Pros - the
Judge told him so, his lawyer told him so.

✓ that makes sense - I mean if you wanted to unair he
said the right thing - you had to hold something over his head - give
him some incentives -

• again you know he's willing to say the right things - he said what the public wanted. When they indicted him, he had his tongue fit the situation. He even acknowledged Colby is the prosecutor & reversing his testimony -

But her testimony is not concealed - it is self-revealing & it is in conflict w the objective straight-forward evidence presented.

LM's statement is just
Sgt. Officer Feldhaus told you that it is ~~LM's statement~~ that
~~LM's story doesn't free W~~
circumstances in that J. L. K.

Just say, I would agree - Officer Feldman acknowledges that LM told the truth about purpose 2901.22
 to tell the truth about the last defense purpose. requires me to tell the truth about what he did find - Sperson acts properly with plus statements, the police. when it is his intention because "broadly, necessarily, etc." certain result

✓ 4th Officer. Tedika felt photo - not fully truth. not material story of 1/5

Sabers to review the testimony of LK in comparison w
the statement of LM 003051

003051

(b) Because I've reviewed this before - you will have to find
beyond a reasonable doubt the LMP specifically
intended to cause death of LK
to do this you will have to disregard statement of LMP
believe testimony of LK

It will require Reasonable Doubt - Read ORC 2901.05
Reasonable doubt is present when the jurors after they hear

I reviewed testimony of LK

of applying the standard of reasonable doubt
the law requires you to compare all the evidence
using reason & common sense

but the law also requires you to consider the evidence
& find that it is of such a character - that you
would be willing to rely & act upon it in the most important
of your own affairs.

Caliber & quality of testimony of LK is of
such character & strength that you would be willing
to rely & act upon it - I think I would be reluctant
to do if you are then that is reasonable doubt
& if you have reasonable doubt -

if after reviewing all the evidence - you are not
firmly convinced, if you have some question or
doubt as to purpose & prior calculations & things
then you must find LMP NOT GUILTY of LK

Now - when I first talked to you about evidence - I indicated LMP was involved. There was
question as to whether quality of LMP is something else -

Do you recall - to demand something else

Ask me - I will answer

⑦

When you viewed the testimony, I will tell you there is only
one person who can tell you what happened behind that dumpster
that one person is LM. Behind you the story was an accident
behind the truth about what they did, he is telling you the
truth about the story

Just give up mind
LM - does not allege
commission of felony
Inv M as to
Chs 2 & 3

Became he has told you this story was an accident because of the
evidence in general - Everything has changed with LM - understand that
the jury will not rely on the law as to LM - in appropriate to counsel
as to the law as to Involuntary Manslaughter
Involved an involved death - but not guilty of 2nd degree
but may be guilty of something else
It will not put you to a question about involuntary manslaughter
that involve person causing death of another as a proximate
result of conduct or attempting to commit felony

LM has never denied his involvement - you heard his statement
that he never intended to kill anybody, ~~but~~ his intent was to
steal a car but the story was an accident

The Code & gentlemen is involuntary manslaughter
LM - with car - robbery - Felony, Forcible MD into trunk -
Kidnapping, felony & he caused death of MD
Code & gentlemen LM is guilty of involuntary manslaughter

Decide this case
not on evidence
not on your feelings
it is a technical matter
as to the evidence
But you must decide this
case on the evidence
& affidavits
testimony

Consider the testimony, review the evidence
Discuss the facts only yourselves
Decide on one firmly convinced, if the testimony of LM
is so strong that you would be willing to adjudge on
what he says -
I think if you do this - you will find LM not guilty
of 2nd degree - but guilty of involuntary manslaughter, you are
to robbery & kidnapping
we ask you to deliberately discuss the case: consider the evidence
& the law - evidence reasonable doubt abide by your oath
& if you do - we believe there is sufficient basis for finding of VG to 6 DM
more appropriate - finding of G as to Inv M Manslaughter & 6 DM

003053

M. Del... several times

Top-Centerlisten
Koch, Dr.

Accident -

57

to help you find your place in the world!

2.4 Why Capability of Deadly Weapon

p 24 - while

19

100 Jar Nans!

/// /// /// 11/1 Kidnapping
- released

Gun Spec & Inventory

p3, spectra of CH_3

changed [490 - just for 4/4

37 4/6
5/8

#25

1726

27

29

003054

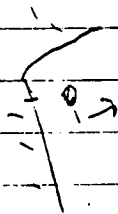
CLOSING

- RIGHT WAY TO DO THINGS

- Objections & Hearsay

- Stipulation - Try to avoid undue pain, grief

- M-homed w/ Howard - late when jewelry was - Shantala



? - Day to testify ???

P. 11 - DF - Act

Instructions

- Involuntary Manslaughter

- Neg Homicide

003055

Not as telling

There is only one person who can tell what happened behind that Dumpster
 May be guilty, surely - not guilty
 Sincerely

LK

He didn't know - LK going to shoot that Man
 LK didn't know that Man was going to be shot

- Reasonable Doubt
 - will be relying on testimony of LK

Not telling you LM - wasn't motivated
 didn't take credit

didn't have gun

But the only evidence you have is LK

LK - he didn't know

Specific Info.
 studied analysis of object being observed
 Design - when schemes well reasoned
 no prior calculation
 NO PURPOSE

He caused death - quite, 750 stimulus Man slung

ArgM - ^{specifically} requires - you must find intent - & cause death

CT1 - purposely or w.p. 10. calculation & design

CT2 - purposely

CT3 - purposely

CT4 -

DT statement of LK not consistent w/ statement of others
 & even not - LK - not to read him say whatever place was to say

say - was where found gun, jewelry -

Cooley, Cutley

Read State v Jenkins - (1984) 15 Oh St 3d 164

— Sher v Penix (1987) 32 Oh St 3d 365
prior calculation & design not

Mickler - dist. jury Maye-
ing 2 Ag, Loren
on homicide - 43

57 - kidnapping / Ag, not
delete prior calculation & design

State v Miles (1991) 59 Oh St 3d 71, 93
convicted of 2 Ag Circumstances Murder escape
deletion & felony murder
Should

Agg Duplicative Agg Circumstances
Should be merged
same Agg Burg - Same facts

State v Burr
one homicide - Can only be convicted of one Agg M
on set of Agg Circumstances

Merged M's - B. Burr
Burr Burr
Burr Burr

Merge - Specs Penn v. Maye. pending of Grady as M-90 Ag Circumstances
Wiles 63 Ag M
Grady Agg M - 1st
illeg. Specs on spec #7 - delete p. in

Penn v

calder design

Jenkins

003057

10:10
S/SBY

MTBOW TO SUPPRESS

Heavy to suppress
10:30 330 340

MIKE
DONATHON

Lee Moore

5:33 PM - King -

Advised - unmarked Det Hunt

N. Bond
McDonalds

Hamilton Ave

Pulled in

Lee more out of vehicle
on side of road

/ Bennett

Larry - K

Pullen in door

P 96 Hand cuff

Sybil What's this about

Impersonate side of vehicle

Advanced Fairfield - upon what going on several

He dressed
20th

Don't remember - Cold
Jacket - Sweetest

Coff

M+Heath

Plum

- Book -

Truck - hit heart

- Noisy - NCH - Kinky

- Remind - Not sure - Possible

M+Heath - N 5:50

Kinky - up Room

Fairfield - Sybil Roberts - N 1/2

at 10:30
Chase - transporting

Holly Call
0025

pru

3016
A-2

2 pages - Back to Police Dept
Holding Cell - 3 6-10

No snow
Below frozen

121

198

Address

In 7-A

Chotter

45-5

- that

Crat.

Cost.

9-26

- Den r

- Den r

1

1920

P. L. ...

11:30

Q-033

Sub cell

QAL

Send

1. Two

1. Prüfung

- 73

SHAMEB

10:30 PM

see in mt coffee - did not have coffee

Blue jeans

mit below - shirt - Brown checked

shoes - sticking feet

No
shoes

to transporter

30 ft

Slush - ground
around feet

Heard where - cont P

Cuffs behind back - Cops then

Youn - Fair

Mike Tierman

Read right

Statements

SNOW - YES

1 Interview at Mt Heather

Nothing to eat

- Completed

MIKE

TIERMAN

Det Bob Bennett

McDonalds

followed to location - Close to Mt Heather

1900 Ford Fairmont -

5 min - Pulled out

across st - adjacent complex

followed @ 2 or 3 min

Pulled into McDonalds

approached - had Gun Drawn

JD as BL off - put Hands on Steer

Cup

let - informed - Investigator - Cont

003060